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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JERALD SIMS,) CASE NO. C08-1074-RAJ
09)
Petitioner,)
10)
v.) REPORT AND RECOMMENDATION
11)
UNITED STATES OF AMERICA,)
12)
Respondent.)
13 _____)

14 On April 28, 2008, petitioner Jerald Sims filed a federal habeas petition in the United
15 States District Court for the District of Oregon. (*See* Dkt. No. 6.) On July 11, 2008, the petition
16 was ordered transferred to this district. (Dkt. No. 5.) Upon receipt of the action in this district,
17 it was determined that petitioner had not met the filing fee requirement. Accordingly, on July 14,
18 2008, the Clerk sent petitioner a letter advising him that he would have to submit either the \$5
19 filing fee or an application for *in forma pauperis* status on or before August 14, 2008, and that
20 his failure to do so could result in dismissal of his case. (Dkt. No. 8.) On July 18, 2008, the
21 Clerk's letter to petitioner was returned as undeliverable with a notation indicating that petitioner
22 was no longer at the address provided by him in his petition. (Dkt. No. 9.) To date, petitioner

01 has not provided the Court with a new address.

02 Pursuant to Local Rule 41(b)(2), if a *pro se* litigant fails to notify the Court and opposing
03 parties of his current address within sixty days after mail directed to the litigant is returned by the
04 post office, the Court may dismiss the action without prejudice for failure to prosecute. Because
05 over sixty days have passed since mail directed to petitioner at his address of record was returned
06 by the post office, and because petitioner has not notified the Court of his current address, this
07 Court recommends that this action be dismissed without prejudice for failure to prosecute. A
08 proposed Order accompanies this Report and Recommendation.

09 DATED this 24th day of September, 2008.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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